

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Maurice Lovell Anderson,

Civil No. 11-948 (RHK/JJK)

Plaintiff,

ORDER

v.

John King, Warden, Stillwater Correctional
Facility, Minnesota,

Defendant.

On December 27, 2011, this Court adopted the Report and Recommendation of Magistrate Judge Jeffrey J. Keyes and dismissed the Petitioner's Petition for Writ of Habeas Corpus. Now before the Court is Petitioner's Application for Certificate of Appealability ("COA").

The undersigned has again reviewed the underlying record in this matter together with the pending Application.

A § 2254 habeas corpus petitioner cannot appeal an adverse ruling on his petition unless he is granted a COA. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22(b)(1). A COA cannot be granted unless the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, "[t]he petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. Daniel, 529 U.S. 473, 484 (2000).

In this case, the Court finds it unlikely that any other court, including the Eighth Circuit Court of Appeals, would decide Petitioner's claims any differently than they have been decided here. Petitioner has not identified, (and the Court cannot independently discern), anything novel, noteworthy or worrisome about this case that warrants appellate review. Therefore, Petitioner will **NOT** be granted a Certificate of Appealability in this matter.

Dated: February 14, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge